

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

December 11, 2003

P. Sartorius called the meeting to order at 4:01 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, B. Smith, T. Michalski, L. Spataro

MEMBERS ABSENT: None.

STAFF PRESENT: D. Steenhagen, B. Lazor, H. Griffith

OTHERS PRESENT: N. Cunningham, 525 W. Norton; D. Galloway, 213 Mulder; H. Wierenga, Fleis & VandenBrink; J. Bultema, 625 Summit.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of November 13, 2003 was made by L. Spataro, supported by T. Johnson and unanimously approved.

S. Warmington arrived at 4:06 p.m.

PUBLIC HEARINGS

Hearing; Case 2003-48: Request for a Special Use Permit for a church at 1996 W. Sherman Blvd., by Stephen E. Holdeman. D. Steenhagen presented the staff report. This property is located at the northwest corner of Sherman Blvd. and McCracken St. The property measures 85 feet by 125 feet and contains an existing commercial building. The property adjacent to the north of the subject property is a small-scale dentist office. The property adjacent to the east is residential. Across McCracken St. is Lakeshore Carpet One. This property was recently rezoned from B-1, Limited Business to B-2, Convenience & Comparison Business, in response to an enforcement action on the property regarding a pawnshop which has located there. The pawnshop received a Special Use Permit in October to operate on the premises. Churches are a permitted use in the B-2 zoning district, under Special Use Permit. There is an approved site plan for this property. The site plan shows 12 off-street, paved parking spaces for this site. These spaces need to be shared by all uses located on the property. The pawnshop already located in the building is required by State law to be closed on Sundays, when churches are generally operating. Therefore, these 12 spaces may be counted toward the church's required parking. Parking requirements for churches are based on seating. One parking space is required for every 12 seats in the main worship area. Staff is unsure of the size of the proposed church's membership, but as long as it is less than 144, the off-street parking area would be sufficient to meet parking requirements. The applicant's representative has mentioned to staff that the applicant is in the process of working out a shared parking agreement with the adjacent

dentist office. If the dentist office is closed on Sundays (as most are), then parking spaces from that site would be able to be counted toward the church's requirement as long as a written, irrevocable shared parking agreement were in place. If the proposed church were to operate at any time when either the pawn shop or dentist office is also in operation, then the shared spaces may not be counted toward the church's parking requirement and other parking options would need to be explored to meet the church's needs. Also, if any other uses move into the subject building which also operate on Sundays, then enough spaces would need to be provided to meet the needs for both uses. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued. Any proposed signage for the church will require sign permits and will need to meet ordinance requirements. Staff has received one phone call on this case, from Ellouise Hieftje, 1960 Cutler Ave. She stated that she is in favor of the church going in but does have a concern with the drive entrance to this property being too close to the intersection. Since the building is right up to the sidewalk, cars exiting onto McCracken can't see easily and cars turning from Sherman onto McCracken don't have much time to stop if a car pulls out ahead of them from the drive onto McCracken. She says that it is a dangerous situation and cars have almost gotten hit exiting the parking lot to turn left on McCracken. If the drive were a 'right-out only' then it would be safer. Staff recommends approval of the request with conditions.

T. Johnson asked if the seating capacity had been determined. D. Steenhagen stated that the applicant could answer that. N. Cunningham stated that there would be seating for about 30 people. There are currently 17 members.

B. Mazade arrived at 4:09 p.m.

N. Cunningham stated that the church meets on Sundays. There would be about 8 to 10 vehicles there. He explained that there are 3 methods of exiting the parking area.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the special use permit for a church at 1996 W. Sherman Blvd. by Stephen E. Holdeman be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) The number of seats in the church's main worship area needs to be given to staff so that exact parking requirements can be determined. If the number of spaces required is above twelve, then additional parking must be provided. If any of the dentist office's parking area is to be used toward meeting parking requirements for the proposed church, then an irrevocable shared parking agreement must be in place. Shared parking will not count toward meeting parking requirements for the church if the church operates at any time when the other business(es) is also in operation. 2) The applicant needs to work with the Inspections Services Department to meet all requirements of that office. 3) Any proposed signage for the church will require sign permits and will need to meet ordinance requirements, was made by S. Warmington, supported by B. Smith and unanimously approved.

Hearing; Case 2003-45: Staff-initiated request to rezone a portion of City-owned property at the northeast corner of Getty St. and Marquette Ave. from RM-1, Low Density Multiple-Family Residential, B-1, Limited Business and OSC, Open Space Recreation to entirely R-1, Single-Family Residential. D. Steenhagen presented the staff report. This request includes an odd-shaped parcel owned by the City. The specific corner of Getty St. and Marquette Ave. is currently zoned B-1, Limited Business. The area to the north and east is zoned RM-1, Low Density Multiple-Family Residential. There is also a portion to the north currently zoned as OSC, Open Space Conservation as well. This request excepts two privately owned parcels on Marquette Ave., which will remain zoned for multi-family. The subject property has been discussed in detail over the past year or two. A Request for Proposals (RFP) was sent out in 2002 for development of this property and three proposals were received. One of the proposals received, was selected by the City Commission but has never proceeded. The Planning Commission identified this area on their 2003 Workplan as an area they would like to see rezoned to Single-Family Residential. The Future Land Use Map shows the subject property to as "Public/Quasi Public", "Open Space" and "Single & Two-Family". The Master Land Use Plan states: It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion. Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area. The Master Plan recommends for this sub-area: Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4. Staff recommends approval of the request.

J. Aslakson asked where the actual zoning line would be if the request is approved. D. Steenhagen stated that it would be based on the legal description from the survey that was done. T. Michalski asked what the proposal from the RFP included. L. Spataro explained the history of the property and the RFP. T. Johnson asked if the property in the center was included for rezoning. D. Steenhagen stated that it isn't included in this and that property is individually owned. T. Johnson asked if a market study had been performed. D. Steenhagen stated that the developer had planned on having one done. B. Mazade explained the plan for the proposal from the RFP. D. Galloway stated that he was one of the three applicants for the RFP. He stated that when he had looked at the property for the proposal, the infrastructure for the street would add about \$10,000 to the cost of each home built. He had found that this wasn't cost effective.

A motion to close the public hearing was made by J. Aslakson, supported by S. Warmington and unanimously approved.

A motion that the request to rezone City-owned property at the northeast corner of Getty St. and Marquette Ave. as described in the public notice, from B-1, Limited Business, RM-1, Low Density Multiple-Family Residential and OSC, Open Space Conservation to entirely R-1, Single-Family Residential be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by J. Aslakson, supported

by L. Spataro and unanimously approved.

NEW BUSINESS

Case 2003-47: Request for Site Plan Review for a ferry terminal, queue areas, parking area and boat boarding and loading ramps at 1920 Lakeshore Dr., by Great Lakes Marina & Storage. D. Steenhagen presented the staff report. The subject property is located on Lakeshore Dr. The cross-lake ferry is proposed to be located on a portion of the Great Lakes Marina property, with access from Lakeshore Dr. at an existing drive entrance off of Estes St. A new access road will be built to connect the ferry terminal and parking areas with the existing service road. The applicant is proposing to locate the ferry terminal and associated facilities to the rear (north) of the property, behind the existing marina buildings. The ferry dock itself will be to the north of the existing marina's boat slips. The site contains a proposed ferry dock, terminal building, 46-car queue area for loading and unloading of automobiles and two parking areas (a 100-car general parking area, and a 140-car long-term parking area). A brochure advertising the new ferry service is available and has been enclosed for informational purposes. According to the brochure, the terminal building will include a coffee shop, gift shop, information kiosks and car rental facilities. Staff has also enclosed the most recent aerial photograph of the Great Lakes Marina area for information purposes and review. Staff has reviewed the site plan and has the following comments/concerns: a) The proposed development consists of one building, a ferry dock and car parking, maneuvering and loading areas. b) No dimensions are given on the site plan. Dimensions of the proposed building, parking areas and spaces, maneuvering areas, and auto loading/unloading area need to be shown on the site plan. Parking spaces must be at least 8 feet by 18 feet. Maneuvering lanes must be at least 12 feet wide for one-way traffic or 22 feet wide for two-way traffic. c) No setback measurements are shown on the site plan. All setbacks are required to be shown. d) The ordinance requires a 75-foot waterfront setback (for principal structures only). The site plan needs to show the setbacks of the proposed terminal building from the ordinary high water mark. e) A proposed security fence is shown on the site plan. No details on the proposed fence are given so staff is unsure if it is proposed to be an obscuring fence or a chain-link fence. In general, no fence can be higher than eight feet in the WM district and no barbed wire will be permitted on any fence. The ordinance prohibits fences or walls within the waterfront setback area, which in the WM district is 75 feet. The setback of the proposed fence from the ordinary high water mark needs to be shown. f) The site is located within an area of 100-year flood hazard, according to the FEMA Flood Hazard Boundary Map. The applicant must work with the Michigan Department of Environmental Quality (MDEQ) on receiving approvals for constructing within a floodplain. The building will be required to be constructed at least one foot above the floodplain elevation of 584 feet MSL. The applicant also must work with the DEQ and Army Corps. of Engineers on obtaining permits for dredging the docking area for the ferry and any other applicable state permit requirements must also be met. g) All parking and drive areas are required to be paved and striped. This is not shown on the site plan. h) The site plan shows a loading and dumpster enclosure location. The loading area needs to be paved. The dumpster needs to be enclosed by a minimum four-foot screen fence on all sides. i) Both of the parking areas shown are greater than 5,000 square feet in size and therefore are required to contain landscape islands or bump-outs. The general parking area shown within the security fence does appear to have both landscape islands and bump-outs. However, the long-term parking area also must contain either islands, bump-outs or both. One island or bump-out is required for every 20 parking spaces or 5,000 square feet of parking area,

whichever is greater. j) The City's bike path is proposed to be extended across the front of the Great Lakes Marina property. Pedestrian access, such as sidewalks, should be provided into the interior of this site. It would also be a good idea to have bicycle racks located near the terminal building since once the Lakeshore bike path has been completed, some of the traffic headed to take the ferry may be by bicycle as well as by automobile. The ferry brochure actually advertises that bicycles can be transported on the boat's car deck. k) The site plan shows canopy and evergreen trees on the site but no specific details as to species are given. The number of trees proposed is adequate for the site. The site plan does not show if there are any existing trees or plant materials on the site. It does appear that there are existing trees on the site – they need to be shown on the site plan and labeled as to be removed or to be retained. Trees currently located on the site should be retained as much as practical. All setback areas are required to be greenspace – this should be clearly shown on the site plan. The Department of Public Works has reviewed the site plan and will need to see a detailed water and sewer/plumbing plan for the site. The City Engineer has reviewed the site plan and has the following comments: i) Storm sewer management is an issue. How will surface water be managed and where is the discharge point? ii) The plan needs to show all existing and proposed City facilities, such as water and sewer, along with any easements. iii) A soil erosion permit will be required from the Engineering Dept. The Fire Marshal has reviewed the site plan and has denied the plan with the following comments: i) An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. ii) Hydrant spacing shall not be less than one hydrant every 300 feet. iii) Fire protection for all docks and marina areas shall be installed per IFC amendments to UFC Appendix IIC. iv) The Fire Department shall have access to all security gates and fenced areas. The Police Department has reviewed the site plan and has the following comments: i) Need more detail as to fencing/gates. ii) Need to ensure compliance with Coast Guard security requirements. iii) Site lighting for car ferry dock needs to be reviewed. Locations for two signs are shown on the site plan – one identity sign and one directional sign. No details are given on the plan as to the proposed height or size of these signs. All proposed signage must meet ordinance requirements. Staff recommends approval of the request with conditions.

B. Mazade asked if the proposed condition regarding sidewalks connecting to the bike path, which isn't in place yet, is a requirement or a suggestion. D. Steenhagen explained that it would be a good idea to have the sidewalks for people going to and from the ferry. The zoning ordinance allows the City to require sidewalks if deemed necessary. T. Harryman asked if the sidewalks should be extended to the existing sidewalks already located along Lakeshore Dr. D. Steenhagen stated that they should. P. Sartorius asked if there had been any traffic studies done in this area. B. Mazade stated that the traffic has been studied at the current levels. Once the Ferry is in operation, then actual determinations could be made regarding the traffic flow levels. P. Sartorius asked if the width of Estes St. had been looked at. D. Steenhagen stated that it hadn't since it is a private drive and not a public street. H. Wierenga stated that the site plan is for Phase I of a PUD. The railroad crossing permits are in place for Estes. The drives are a permanent ingress and egress under the Ferry lease agreement. He explained the areas on the site plan. There would be a 100-car parking in the short term parking area. There would be a little more in the long term parking area. They would need some flexibility in the fencing and building setbacks for security purposes. J. Aslakson stated that the fencing wasn't mentioned on the site plan. H. Wierenga stated that they would have an 8-ft. attractive fence. The height is

needed according to Coast Guard regulations. There would be no barbed wire. They would also prefer not to have chain link. J. Aslakson asked about the PUD that the applicant had mentioned. H. Wierenga stated that right now they are going for just a straight site plan approval. A PUD for the entire property will be sought at some point in the future. T. Johnson asked if the lease for the easement would stay with the individual or go with the property. H. Wierenga stated that it would remain with the property. D. Steenhagen stated that since this isn't a PUD request, flexibility isn't allowable in a site plan approval. The parking would have to be paved. The zoning ordinance doesn't permit fencing in a waterfront setback. H. Wierenga stated that they may have to go for a variance. J. Aslakson asked if the federal regulations state that they are required to have a fence, and the ordinance doesn't allow it, then, which one would win. D. Steenhagen stated that she wasn't sure, but would find out. T. Harryman asked about the open space on the plan. H. Wierenga stated that currently it is used for boat storage and will continue to be that way for a couple of years. This area would be properly screened. B. Mazade suggested approving this subject to the proposed conditions as well as being subject to any conditions of approval by other bodies such as the ZBA if necessary. This way the developer could proceed with their project. P. Sartorius asked if an application had been submitted to the ZBA yet. H. Wierenga stated that they hadn't yet. D. Steenhagen asked the applicant if they knew when they would have a final completed site plan. H. Wierenga stated that they weren't quite there yet, but they were close. He added that the components weren't going to change drastically, just the fit.

A motion that the proposed site plan for a ferry terminal and associated accessory structures at 1920 Lakeshore Dr. be, approved, based on the following conditions: A revised site plan needs to be submitted for staff's approval and needs to include: a) All dimensions need to be provided, including dimensions for the building, parking areas and spaces, maneuvering areas and auto loading/unloading area. Parking spaces must be at least 8 feet by 18 feet. Maneuvering lanes must be at least 12 feet wide for one-way traffic or 22 feet wide for two-way traffic. b) All setbacks need to be shown on the site plan. The building must be located at least 75 feet from the high water mark. c) No fencing is permitted within the 75-foot waterfront setback area. Details on the proposed security fence need to be provided, including the proposed height and type of fence. No barbed wire will be permitted. d) All parking, drive and auto loading/unloading areas must be shown as being paved and striped. e) The proposed dumpster needs to be enclosed by a minimum four-foot screen fence on all sides. f) The long-term parking area is required to have one landscape island or bump-out for every 5,000 square feet or 20 parking spaces, whichever is greater. All landscape islands or bump-outs need to contain at least one canopy tree and two shrubs. g) Pedestrian access (sidewalk) needs to be provided from the City bike path, back to the ferry area. h) Details as to the proposed landscaping for the site need to be given, including the proposed species of all landscaping materials. All existing trees need to be shown and labeled as to be retained or to be removed. i) Details as to the proposed water service need to be shown on the site plan. All proposed utilities need to be approved by the Fire Marshal, City Engineer and Department of Public Works. All conditions of the Fire Marshal, City Engineer, Police Department and DPW are required to be met. The applicant must apply for and obtain all required State permits for the property. The building must meet floodplain requirements, including being at least one foot above flood elevation. Sign permits will be obtained for all proposed signage on the site. All proposed signage will need to meet ordinance requirements. Subject to any additional approvals as necessary (i.e. ZBA) with staff making the final site plan approval, was made by B. Mazade, supported by T.

Johnson and unanimously approved.

Case 2003-49: Request to review the Preliminary Report regarding possible historic designation of five buildings in the former Muskegon Mall. B. Lazor gave a synopsis of this request. L. Spataro elaborated on the report supplied to the commission members. P. Sartorius stated that the commission members were to make a recommendation to the City Commission on the 4 buildings still under the moratorium from demolition. T. Harryman agreed with L. Spataro regarding the report. He felt that it would be wise to have the entire story out there, so everyone would know what was going on. He felt that the buildings should be protected until more information is obtained. J. Aslakson stated that he wasn't hung up on the National City building. He asked if anyone knew what was under the facade of the Daniel's building. S. Warmington stated that the message that was sent out to the owner from the City Commission Worksession, was that the City Commission would like the DMDC to work with Gary Post of Muskegon Construction to remove as many panels as necessary on the Daniel's building to see what is underneath. L. Spataro stated that the historic designation started in an effort to help Charter bridge the gap in their financial assistance. He stated that out of all the buildings, Daniel's has the most historic connotations. The Century club is in the worst shape and from the facade back could be torn down and rebuilt. The facade is really nice. He stated that the savings bank is structurally sound. T. Johnson stated that he wasn't sure what the PC's role in this should be. T. Harryman agreed with T. Johnson. He also felt that there wasn't enough information for them to make a recommendation. B. Smith stated that she didn't feel qualified to make the recommendation and felt that the City Commission should make it. J. Aslakson stated that it is important to preserve as much of the downtown as possible.

A motion to recommend to the City Commission to preserve the 4 buildings by all means possible, as can be incorporated with the downtown, was made by J. Aslakson, supported by T. Harryman with discussion on the motion continuing.

T. Michalski stated that he would vote against this. He doesn't feel this should be before them. B. Smith stated that she agreed with T. Michalski. L. Spataro stated that he felt that the motion was flexible. P. Sartorius suggested changing the wording of the motion along the lines of pursuing the range of possibilities to preserve the 4 buildings.

A call for vote was made by S. Warmington, supported by B. Mazade. Roll was called on the motion. The motion failed with B. Mazade, T. Johnson, B. Smith, T. Michalski, and P. Sartorius voting nay.

A motion to refer this issue back to the City Commission without a recommendation was made by T. Michalski, supported by T. Johnson and was approved with T. Harryman, J. Aslakson, and P. Sartorius voting nay.

Schedule of 2004 Meeting Dates – The commission members were provided with copies of the schedule.

A motion to approve the 2004 meeting schedule was made by B. Mazade, supported by T. Johnson and unanimously approved.

OTHER BUSINESS

Harbortowne sidewalks – D. Steenhagen gave the commission members an update. The consent agreement had been sent. The Condominium Association was having a meeting that night. They would like more information on how the money would be collected. The agreement was also sent to J. Darien, who was on a hunting trip.

Proposed sign ordinance amendments – The commission members were presented with information regarding this. D. Steenhagen asked how the commission would like her to proceed with this.

S. Warmington felt that existing signs for existing businesses, should be allowed to be replaced. L. Spataro suggested that this could be included under maintenance as long as the same size and materials are used. D. Steenhagen read from the zoning ordinance. L. Spataro suggested changing the wording to be the same or less non-conforming. J. Aslakson went over the history of how the sign ordinance came about. S. Warmington also felt that the sign requirements for multi-suite buildings should also be looked at. D. Steenhagen suggested addressing the suites without street frontage. L. Spataro agreed. J. Bultema suggested allowing 2 signs instead of just one.

2003/2004 Workplan – This will be looked at during the February meeting.

There being no further business, the meeting adjourned at 6:16 p.m.

hmg
12/11/03